

WHITE COUNTY BOARD MEETING  
AUGUST 8, 2006

A special meeting of the White County Board begun and holden this 8<sup>th</sup> day of August of the White County Courthouse in the City of Carmi.

Chairman Wooten called the meeting to order at 7:00 p.m.

Clerk Dozier called the roll with Nelson, Ray, Mitchell, Trout and Wooten all present.

Chairman Wooten asked the Board if they had received copies of the minutes of the previous meeting and were there any additions changes or deletions. Mr. Ray made a motion to waive the reading of the minutes of the previous meeting and approve the minutes of the previous meeting as proposed in writing. Motion seconded by Nelson. Motion carried 5-0 on roll call vote.

Chairman Wooten asked for a motion to approve the payment of all current bills. Mr. Nelson made a motion to pay all current bills seconded by Trout. Motion carried 5-0 on roll call vote.

Chairman Wooten stated that Sheriff Maier was out of town for training. The Sheriff had submitted his report in writing and the City/County Jail income for the month was \$74,726.00 in prisoner keep and work release was \$50.00.

Chairman Wooten stated that the 9-1-1 Emergency Telephone System Board would meet on Monday, August 14, 2006 at 7:00 p.m. in the Courtroom.

Mr. Lance Trousdale, Director of the White County Ambulance Service stated that the service has had a great month and that the Ambulance Service had received a check for \$4,000.00 from Medicare and two more Medicare checks are coming.

Mrs. Jo Satterfield, Supervisor of Assessments, stated that in April of this year her office was contacted by FEMA that the County was in violation of the flood plain ordinance. She stated that in May the County Board updated the ordinance and as part of the ordinance she was designated as the Flood Plain Coordinator. She stated that she has been unable to find where there were any permits ever issued through the Supervisor of Assessments Office and she currently is not certified or qualified to administer the program. Mrs. Satterfield stated that she would like to hire Jim Renshaw, who is the administrator for the City of Carmi to assist her in correcting the violations and administering the Flood Plain Ordinance. Mrs. Satterfield asked the Board to assist in finding the monies to be able to pay Mr. Renshaw and also asked the Board for direction on what to charge for the permits. Chairman Wooten stated that the Board was unable to take any action because this was not on the agenda.

Mr. Ray stated that the Board had received a thank you note from Carolyn Bruce about mowing west of Norris City.



Mr. Ray made a motion to adopt the resolution to designate FAS 883 a Class 3 Truck Route. Motion seconded by Mitchell. Motion passed 5-0 on roll call vote. Mr. Ray asked when the roadway was to be redone and Mr. Bachman the Foreman at the Highway Department stated that it was in the 2008 program. Hamilton County will probably have to take a couple of hitches at building their portion of the road because they have several miles and it will be very expensive on their County.

Chairman Wooten introduced Judge Thomas Sutton to explain the position of public defender to the Board. Judge Sutton stated that White County currently hired two public defenders at a cost of around \$50,000.00. The State has just passed legislation creating a reimbursement for a public defender and that he would like the Board to consider a resolution to hire Jerry Crisel as the Public Defender for White and Edwards County. The State will currently reimburse 66 2/3% of the Public Defender's salary that will be set at \$90,000.00 and then White and Edwards County would split the other portion of the salary and the fringe benefits. Judge Sutton stated that the Edward's County Board of Commissioners has already adopted the resolution. Judge Sutton presented the following resolution for consideration of the Board.

### **JOINT RESOLUTION**

Whereas the adjoining counties of White and Edwards (the "Counties"), both of the State of Illinois, have joined to establish a common position of Public Defender for the Two (2) counties pursuant to 55 ILCS 5/3-4007(c); and,

Whereas, pursuant to this Joint Resolution, the County Boards of White and Edwards County hereby request the judges of the Second Judicial Circuit to appoint Jerry Crisel to fill the newly-created office of Public Defender; and,

Whereas the public defender must be an attorney currently licensed to practice law in the State of Illinois; and,

Whereas the Counties defer to the Judges of the 2d Judicial Circuit to appoint public defenders who are qualified by training and experience; and,

Whereas the Counties have less than 30,000 inhabitants; and,

Whereas 55 ILCS 5/3-4007 as amended effective July 1, 2001, states:

Compensation. (a) The public defender shall be paid out of the county treasury, and the State treasury as provided in subsection (b), as the sole compensation for his or her

services a salary in an amount fixed by the County Board. When a Public Defender in a county of 30,000 or more population is receiving not less than 90% of the compensation of the State's Attorney of such county, that Public Defender shall not engage in the private practice of law. (b) The State treasury must pay 66 2/3% of the public defender's annual salary. If the public defender is employed full-time in that capacity, his or her salary must be at least 90% of that county's State's attorney's annual compensation. These amounts furnished by the State shall be payable monthly from the State treasury to the county in which each Public Defender is employed. (c) In cases where 2 or more adjoining counties have joined to form a common office of Public Defender, the salary of the Public Defender shall be set and paid as provided by a joint resolution of the various county boards involved.

and,

Whereas after the effective date of the foregoing amendment, the State of Illinois failed to fund the mandated salary schedule; and,

Whereas, upon information and belief, as of July 1, 2006, the mandated salary schedule is now funded; and

Whereas, upon information and belief, for the State to pay the 66 2/3% of the public defender's salary, the public defender shall be an employee of the County and/or Counties and not an independent contractor; and,

Whereas the public defender shall from the compensation provided for herein furnish at his/her sole cost, risk and expense all overhead of his office; and,

Whereas the Public Defender shall be subject always to the direction and control of the judges of the 2d Judicial Circuit, keeping in mind that as a licensed attorney such direction and control will be subject to the constraints of the laws of the State of Illinois and the ethical constraints on a lawyer; and,

Whereas the Counties, taking into account that some are matching, will withhold Income Tax and the Public Defender's portion of Social Security and Medicare taxes. Also, the Counties are responsible for paying Social Security, Medicare, and Unemployment (FUTA) taxes on the Public Defender's salary.

It is therefore resolved:

A. The Public Defender for the Counties shall devote such time and resources as are reasonably necessary to adequately and fully represent indigent persons who are charged with criminal offenses in said Counties subject always to ethical rules governing such representation and the direction of the judges of the 2d Judicial Circuit. Unless excused by a judge of the 2d Judicial Circuit, the public defender will be present in court at appointed times and on dates scheduled for his/her appearance.

B. So long as the State Treasury pays 66 2/3% of the public defender salary as set forth in 55 ILCS 5/3-4007, the Public Defender's salary shall be \$90,000 per annum prorated commencing August 1, 2006 and ending June 30, 2007. Beginning July 1, 2007 and annually thereafter, the salary of the Public Defender shall be adjusted by a cost of living increase (COLA). This COLA shall be a percentage increase of the Public Defender's salary. This percentage increase shall be identical to the percentage increase applied to the White County State's Attorney's salary as certified each year by the Illinois Department of Revenue to White County.

C. Each county will pay Jerry Crisel \$45,000.00 for him to fill this office of Public Defender. Said salary shall be paid semi-monthly. Any future agreements shall be year to year. Said Agreements may be terminated by any party with Sixty (60) days notice.

D. White County, on behalf of it and Edwards County, will be the primary county responsible for submitting vouchers to the Illinois Department of Revenue to receive reimbursement of 66 2/3% of the public Defender's Salary pursuant to 55 ILCS 5/3-4007. In the event that the Illinois Department of Revenue does not reimbursement a voucher in a timely fashion (within Ninety 90 days), White County will submit a claim to Edwards County for One-Half ½ the amount of the voucher. Edwards County will then submit payment to White County on said claim. When White County receives reimbursement on said voucher it will then reimburse Edwards County.

- E. White County will submit a claim to Edwards County each month for their One-Half ½ of the Public Defender Salary not reimbursed by the Illinois Department of Revenue.
- F. In the event the State Treasury fails to pay 66 2/3% of the public defender salary as set forth in 55 ILCS 5/3-4007, or White County does not receive the State reimbursement for any reason, Jerry Crisel, White County and Edwards County agree to re-negotiate the salary.
- G. The Public Defender will be an employee of the Counties, and the Counties shall withhold income tax and the Public Defender's portion of Social Security and Medicare taxes. In addition, the Counties are responsible for paying social security, Medicare, and unemployment (FUTA) taxes on the public defender's salary. Public Defender will also participate in White County's IMRF program with the Public Defender contributing his responsible share and the Counties contributing equally their share.
- H. Jerry Crisel waives his right to be included on the employee health insurance of the counties and agrees to sign a written waiver reflecting the same as Mr. Crisel currently has other health insurance.
- I. If and to the extent that Jerry Crisel is not covered by the Counties' current liability insurance, each county will contribute ½ of the costs thereof.
- J. Jerry Crisel shall be allowed to maintain his status as a member of the Capital Litigation Trial bar. He will also be permitted to privately practice law, which includes participating as a member of the Capital Litigation Trial Bar. However, Jerry Crisel agrees to provide an attorney at his expense to take his place as public defender when he is unable to perform his duties a public defender while being compensated by the Capital Litigation Fund or when performing duties as public defender while being paid by the Capital Litigation Fund.

Wherefore it is signed this \_\_\_\_ day of \_\_\_\_\_, 2006

Chairman, Edwards County Board

Member

Member

Member

Member

Attest:

County Clerk

Wherefore it is signed this 8th day of August, 2006

Ron Wooten  
Chairman, White County Board

Wayne Nelson  
Member:

Nancy Mitchell  
Member

Mike Ray  
Member

Wes Trout  
Member

Attest: Paula Dozier  
County Clerk

Mr. Ray and Mrs. Mitchell asked if the county would have to provide office space and a secretary. Judge Sutton replied that the county would have to provide office space but as part of the agreement with Mr. Crisel that by allowing him to be part-time and continue to practice he would have to furnish his own Secretary. Judge Sutton also explained by allowing him to continue in private practice that at any time Mr. Crisel is unable to appear in Court in Edwards or White County, Mr. Crisel must pay someone to take his place as the public defender. Mr. Ray made a motion to adopt the resolution, seconded by Mitchell. Motion passed 5-0 on roll call vote.

Chairman Wooten stated that the next item on the agenda was to consider the appointment of Robert Layton to the White County Housing Authority. Mr. Trout made a motion to appoint Robert Layton to the White County Housing Authority, seconded by Ray. Motion passed 5-0 on roll call vote.

Chairman Wooten stated that the next item on the agenda was to consider the approval of the contract between the White County Sheriff's Secretary and the Southern and Central Laborer's Local 1197. Chairman Wooten explained that the contract is identical to the County Clerk's, Circuit Clerk's and Treasurer's Office contract that were approved at last months meeting. Mr. Nerlson made a motion to approve the contract, seconded by Ray. Motion carried 5-0 on roll call vote.

Chairman Wooten introduced Ellen Pettijohn, Circuit Clerk. Mrs. Pettijohn stated that she would like to present the following resolution for consideration of the Board. Ms. Pettijohn explained that it was the annual resolution to approve the jury source list.

# **RESOLUTION**

**WHEREAS**, Chapter 705, Section 305/2 of the Illinois Compiled Statutes provides that the County Board (except in those counties which have Jury Commissioners) shall select from the General Jury List of White County the persons to serve as petit jurors;

**WHEREAS**, the County Board of White County has adopted the Merged Jury Source List of all legal voters and Illinois driver's license holders in the County as prepared by the Administrative Office of the Illinois Courts to serve as the General Jury List of White County.

**WHEREAS**, the Judges of the Second Judicial Circuit have by joint action determined that the Resident Circuit Judge should specify the number of persons to serve as petit jurors;

**WHEREAS**, the Resident Circuit Judge has specified that 3,000 persons should be selected to serve as Petit Jurors with qualifications as provided in Section 305/2 of Chapter 705 of the Illinois Compiled Statutes;

**WHEREAS**, it is the desire of the County Board of White County to provide said number of persons for the Active Jury List by adopting the Active Jury List of White County as prepared by the Administrative Office of the Illinois Courts;

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF WHITE COUNTY, ILLINOIS, AS FOLLOWS:**

1. That pursuant to Chapter 705 of the Illinois Compiled Statutes, that the County Board of White County, Illinois adopt the Active Jury List of White County as prepared by the Administrative Office of the Illinois Courts.
2. That pursuant to Chapter 705 of the Illinois Compiled Statutes, that the County Board of White County, Illinois accepts the list for juror names in random order on the Active Jury List of White County as accomplished by the Administrative Office of the Illinois Courts.
3. That the names of the petit jury, grand jury, and coroners jury shall be used beginning this date from the said Active Jury List and in the event such names are drawn contemporaneously the order of the draw shall first be petit, the grand jury, and the coroner's jury.

**ADOPTED AT CARM, ILLINOIS THIS 8<sup>th</sup> DAY OF AUGUST, 2006.**

Ron Wooten  
White County Board Chairman



ATTEST:

Paula Dozier, White County Clerk

Mr. Nelson made a motion to adopt the jury source list resolution, seconded by Mitchell. Motion passed 5-0 on roll call vote.

Chairman Wooten introduced Paul Biltimier of RE Sutton and Associates the County's insurance consultant. Mr. Biltimier explained that White County had advertised for bid on their hospitalization insurance. Mr. Biltimier stated that Blue Cross/Blue Shield submitted their renewal of 19.24 % increase to Kelly Insurance and Mr. Kelly was able to negotiate the increase down to 12.08%. Mr. Biltimier stated that two agents requested the opportunity to quote. The first agent was unable to secure a competitive bid and the Second Agent which was Williams Insurance Services provided a Unicare quote contingent on health information currently being reviewed by the underwriter. Mr. Biltimier stated that Principal Insurance submitted a quote but rescinded the offer after reviewing health questions completed by the employees. Health Alliance submitted a quote based on the review of the health questions that is less than the renewal from BC/BS, but would require a new network and change in benefits. Unicare provided a quote that was going to be higher than Blue Cross/Blue Shield. Mr. Biltimier stated that the recommendation of RE Sutton and Associates was to maintain the current plan and carrier. Mr. Biltimier stated that the renewal was competitive based on the market place alternatives. There would be no disruption to the employees. There would be continued coverage for the Board members and those retirees still on the plan and that Kelly Insurance has provided excellent local service. Mr. Biltimier suggested that in the future the County should begin review of HSA or other Consumer Driven health plans and develop a timeline to implement for 2007 if deemed as a viable alternative for the County. Mr. Trout made a motion that the County renew with Blue Cross/Blue Shield seconded by Ray. Motion carried 5-0 on roll call vote.

Chairman Wooten stated that a brief Executive Session was need for pending litigation. Mr. Nelson made a motion to go into Executive Session, seconded by Trout. Motion passed 5-0 on roll call vote.

Mr. Nelson made a motion to come out of Executive Session, seconded by Ray. Motion carried 5-0 on roll call vote.

Mr. David Bachman stated that he was having trouble with the Highway Department's tractor and it would cost around \$10,000.00 to \$12,000.00 to fix the tractor. He stated that he had found a good used tractor that with trade-in of the old tractor it would cost the County only around \$30,000.00. Mr. Bachman explained that he had learned of this used tractor after the agenda for the meeting had been finalized. I he would like the Board to recess this meeting until later this week to take action on the purchase of the tractor. Chairman Wooten asked the Board if they could meet on Thursday at noon. Mrs. Mitchell stated that she was unable to meet at noon but would be available by 3:00 p.m. The other Board members agreed they could be available by 3:00 p.m.

Chairman Wooten stated that the next regular meeting would be on Tuesday, September 12, 2006 at 9:00 a.m.

Mrs. Mitchell made a motion to adjourn, seconded by Nelson. Motion carried 5-0 on roll call vote.